

In re Patent Application of:  
**GORTY ET AL.**  
Serial No. **10/767,571**  
Filing Date: **January 29, 2004**

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**REMARKS**

Claims 1, 4-9, 12-16, 18-30 and 32-33 remain in this application. Claims 2, 3, 10, 11, 17 and 31 have been cancelled. Claims 1, 7, 15, 25 and 29 have been amended.

Applicants thank the Examiner for the detailed study of the application and prior art and note the acceptance of the Supplemental 131 Declaration as sufficient to overcome Tosey.

Applicants have reviewed U.S. Patent No. 6,779,022 to Horstmann et al. (hereinafter "Horstmann") and note the rejection of claims 1-23 and 25-33 as anticipated by Horstmann and claim 24 as unpatentable over Horstmann.

At the outset, the claims have been amended to recite that the polling agent is operative for issuing a STAT command to determine a total number of electronic messages on a mail server and comparing to a threshold such that if the threshold is exceeded, the polling agent polls the electronic mailbox and retrieves only those UID's that are newer than the UID's from a previous polling to determine that new messages are available.

The claimed invention as now presented overcomes the disadvantages in POP or webmail in which the webmail or POP retrieval can be inefficient in which the system periodically retrieved a list of current messages used in polling, and compared the list from the new poll with the list from the last poll to identify new messages. This slowed device operation in prior art systems because users often obtained a vast number of messages on a server. In POP, applications can store the result of a UIDL command in a poll, and in the next poll, a system can compare the new UIDL results with the old

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list to obtain a list of new messages.

These drawbacks are overcome as claimed by a polling agent that is operative for issuing a STAT command to determine a total number of electronic messages on a mail server and comparing to a threshold such that if the threshold is exceeded, the enhanced polling operation as claimed is set in operation. Nowhere does Horstmann disclose or suggest the claimed invention as now presented in this amendment.

Horstmann is clearly directed to overcoming the problem associated with collecting mail from various sources in which an email source can be client connected to the mail system via a protective firewall. Thus, a mail agent can be added to a protected client to instruct the client to push messages periodically to the mail system. The communication server can be configured to dispatch important messages. This is particularly applicable in the use of cell phones that communicate via a conventional Wireless Application Protocol (WAP). Thus, in Horstmann a mail poller 152 uses a polling engine 210 and a filter 215 and downloads user messages from servers 115, 120, and conveys the messages to the filter 215, which applies blocking and filtering rules to the polled messages. Any messages obtained from an agent that make it through the filter are conveyed to a mail application and dispatched to a user device.

As set forth in column 6 of Horstmann, different events trigger a mail polling, including a "polling interval" in which external email sources are polled every 15 minutes and native mail sources every two minutes. The user can initiate polling either by logging onto the server or by selecting a Get Message button on the message view screen.

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Each message has a UID and the polling system reads the message and determines whether the UID is listed in the database 230. If it is not, the message is considered a new message and added to the list of messages in the database. The message can be marked to indicate that the message exists locally on a remote server and this enables the polling system to synchronize contents of the local and remote mail servers.

In Horstmann, the UID and message header can be sent to a local message database and the polling system can look for more messages. Thus, these additional messages can be treated in the same manner as the first message and any unmarked messages can be deleted if there are no more messages.

Previously read messages can be dealt with in a different way with periodic polling when the UID is already listed. Because the message had been dealt with previously, there is no need to determine whether the message should be blocked or filtered.

The system described in Horstmann is similar to what is described in the Background of the Invention section of the instant application, for example, in paragraphs 4-6 set forth below:

**[0004]** The email applications often use inefficient systems and methods to retrieve new email for the user. Some applications periodically retrieve a list of current messages (polling) and compare this list from this new poll with the list from the previous poll to identify new messages. For example, in the Post Office Protocol (POP), applications store the

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result of a unique identifier listing (UIDL) command in a poll. In the next poll, the application compares the new UIDL results with the old list to obtain the list of new messages. This can become very inefficient if any user has a large number of messages on the mail server.

[0005] This problem is made worse for email applications trying to provide these services for web-based email providers that typically present only a partial view of the messages in one page. For every poll, the applications have to "fire" or deliver several web requests, each request retrieving only one set of the messages. This can become very inefficient. These periodic polls often result in no mail retrieval as there is no new mail present in the mailbox. Retrieving all the unique identifiers (UID's) frequently only to find that there is no new mail is inefficient.

[0006] Some systems poll a user's mailbox about every 15 minutes. During the day, most polls come back empty. With current protocols, a polling engine must retrieve the entire list every time it polls the mailbox. For users with over a 1,000 emails in the mailbox, there are tremendous inefficiencies. For each mail protocol, a "connector" exists with appropriate algorithms that access the mailbox, list mail messages, and determine the number of emails.

Nowhere does Horstmann suggest issuing a STAT command to determine a total number of electronic messages on a mail server and comparing to a threshold such that if the threshold is exceeded, the polling agent polls the electronic

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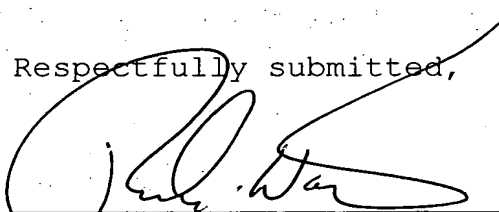
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mailbox and retrieves only those UID's that are newer than the UID's from a previous polling to determine that new messages are available.

At most, Horstmann suggests a polling interval in which external email sources are polled every 15 minutes and native mail sources are polled every two minutes. There is nothing to suggest a STAT command to obtain a total number of electronic messages on a mail server and comparing to a threshold. Indeed, Horstmann teaches the prior art method of at most issuing a STAT command. Indeed, the Background of the Invention section discussing prior art systems mentions polling every 15 minutes (as in Horstmann) as explained in the first sentence of paragraph 6 of instant application Background of the Invention section quoted above.

Applicants contend that the present case is in condition for allowance and respectfully requests that the Examiner issue a Notice of Allowance and Issue Fee Due. If the Examiner has any questions or suggestions for placing this case in condition for allowance, the undersigned attorney would appreciate a telephone call.

Respectfully submitted,



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**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: **MAIL STOP AMENDMENT, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450**, on this 8<sup>th</sup> day of June, 2006.

Julie Lalan